

REMARKS:

Claims 2 and 15-17 are in the case and presented for consideration.

Claim 2 has been amended to further distinguish the presently claimed invention over the cited prior art.

ELECTION/RESTRICTION

Claim 22 is withdrawn subject to Applicant's right to file a divisional application directed to the invention claimed therein and subject to Applicant's potential right to rejoinder of claim 22 in the present application.

REJECTION OF CLAIMS UNDER 35 U.S.C. §102(b)

Claims 2 and 15-17 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,506,653 to Dietmann et al. ("Dietmann").

Applicants respectfully traverse the Office's rejections that the claims of the present application are anticipated by the cited prior art.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. See, e.g., *Verdeqaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). This standard is not satisfied where the prior art reference merely discloses the "concept", "essence", "key" or "gist" of the patented invention "concepts do not anticipate." *Panduit Corp. v. Dennison Mfg. Co.*, 774 F.2d 1082, 1101 (Fed. Cir. 1985). Additionally, to constitute anticipation, all the claimed elements must be found in exactly

the same situation and united in the same way to perform the identical function in a single unit of prior art. *General Elect. Co. v. Nintendo Co., Ltd.*, 179 F.3d 1350 (Fed. Cir. 1999). Furthermore, it is a settled matter of law that dependent claims contain all the elements of the claims from which they depend.

Dietmann fails to disclose or suggest elements of currently amended independent claim 2, from which claims 15-17 depend.

The compound 6-(2-methoxybenzylamino)purine ribosside is not claimed in currently amended independent claim 2. Additionally, claim 2 has been amended so that it no longer contains any of the compounds disclosed in Dietmann nor any positional isomers thereof.

Therefore, because Dietmann fails to disclose or suggest elements of currently amended independent claim 2, from which claims 15-17 depend, it does not anticipate any of the claims currently in the case.

REJECTION OF CLAIMS UNDER 35 U.S.C. §103(a)

Claims 2 and 15-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Dietmann.

The rejection is duly noted but Applicants respectfully traverse this rejection.

As mentioned above, Dietmann fails to disclose or suggest elements of currently

amended independent claim 2.

Additionally, claim 2 has been amended so that it no longer contains any obvious variants of the compounds disclosed in Dietmann.

Thus, Dietmann also fails to provide a teaching or suggestion which would be sufficient to motivate one of ordinary skill in the art to come up with and combine the otherwise missing elements and hence arrive at the presently claimed invention.

Therefore, because Dietmann fails to disclose critical elements claimed in currently amended independent claim 2, from which claims 15-17 depend, and because it does not provide a teaching which would motivate one of ordinary skill in the art to arrive at the presently claimed invention, none of the current claims are rendered obvious by Dietmann.

Accordingly, the application and claims are believed to be in condition for allowance, and favorable action is respectfully requested.

No new matter has been added.

If any issues remain, the Examiner is respectfully invited to contact the undersigned at the number below, to advance the application to allowance.

Respectfully submitted,
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